

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31744 of 2007(D)

OS.425/2007 of I ADDL.SUB COURT,ERNAKULAM

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PETITIONER:

ROSHAN S.NAIR, S/O. P.S.NAIR,
KALABHAVAN HOUSE, 45/1892, LINK PARK LANE,
KALOOR P.O., POTTAKKUZHY, ERNAKULAM DISTRICT.

BY ADV. SRI.K.S.SAJEEV KUMAR
SMT. LAJI SAM ZACHARIAH

RESPONDENT:

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1. KALAVATHY, AGED 59, W/O. K.N.VAVA,
KOLLAMKODU HOUSE, PUTUVASSERY DESOM,
AMBALLOOR VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.
 2. PRABHA SHANKAR, AGED 30, S/O. K.N.VAVA,
KOLLAMKODU HOUSE, PUTUVASSERY DESOM,
AMBALLOOR VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.
 3. RAJALAKSHMI, AGED 28, D/O. K.N.VAVA,
KOLLAMKODU HOUSE, PUTUVASSERY DESOM,
AMBALLOOR VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.
 4. JYOTHY LAKSHMY, AGED 23, D/O. K.N.VAVA,
KOLLAMKODU HOUSE, PUTUVASSERY DESOM,
AMBALLOOR VILLAGE, KANAYANNOOR TALUK,
ERNAKULAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.31744 of 2007

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Dated this the 25th day of October, 2007.

JUDGMENT

This Writ Petition is filed seeking a mandamus to the First Additional Subordinate Judge, Ernakulam to restore the suit O.S.No.425 of 2007 and a direction to issue certified copy of the judgment dated 13.9.2007 and also a prayer directing the respondents to not to alienate or encumber the plaint schedule property specified in Ext.P1.

2. When a suit is dismissed by a civil court there are remedies provided under the Civil Procedure Code and the party is expected to resort to those remedies and not to come to the High Court under Article 227 of the Constitution of India to get a suit restored by a writ of mandamus. It amounts to abuse of process of the court. So, the first prayer is rejected. So far as the second prayer is concerned, if the writ petitioner files an application for issuance of a certified copy of the judgment in accordance with the Rules, the court below is directed to consider

it and issue the certified copy out of turn within a period of two weeks from today. No further relief is to be granted to the writ petitioner other than this.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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